

## UNITED STATES DISTRICT COURT

for the  
Northern District of TexasU.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

APR 18 2017

CLERK, U.S. DISTRICT COURT

Case No. 4:17-MJ-

By 336

Deputy

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)Google email account petervosullivan@gmail.com  
stored at Google Incorporated, 1600 Amphitheater  
Parkway, Mountain View, CA 94043

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Northern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section  
18 U.S.C. § 2422(b)

Offense Description  
Knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity.

The application is based on these facts:

See Affidavit in Support of Search Warrant

- ☐ Continued on the attached sheet.  
☐ Delayed notice of        days (give exact ending date if more than 30 days:       ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

LeAndrew J. Mitchell, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/18/17City and state: Fort Worth, Texas

Judge's signature

Jeffrey L. Cureton, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Special Agent, LeAndrew J. Mitchell, of the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being duly sworn under oath, do hereby depose and state:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with HSI since December 2008. As an HSI Special Agent, I am authorized to investigate crimes involving the sexual exploitation of children pursuant to Title 18, United States Code, Section 2422. Section 2422 (b) makes it a federal offense to use the mail or any facility or means of interstate commerce, including by a computer, cellular phone, or email account, or within the special maritime and territorial jurisdiction of the United States, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

2. As a federal agent, I am authorized to investigate violations of the law of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is being made in support of an application for a search warrant for information associated with certain accounts, listed in Attachment A, that are stored at the premises owned, maintained, controlled, and/or operated by Google Inc.,

1600 Amphitheatre Parkway, California, 94043 for the items specified in Attachment B hereto.

4. The purpose of this application is to seize evidence, more particularly described in Attachment B, of violations of 18 U.S.C. § 2422(b), which makes it a crime to use a means of interstate commerce, that is an Internet e-mail account, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.

5. I am aware that Internet based email accounts, such as those offered by Google, Inc., allow users to keep and store e-mail messages for an indefinite period of time.

6. In summary, the following affidavit sets forth facts that establish that Google, Inc. email account **petervosullivan@gmail.com** was used to exchange sexually explicit communication, whereby the account subscriber communicated his intent to persuade, induce, entice, or coerce an individual he claimed to be under the age of 18 years old, more specifically his minor daughters, to engage in sexual activity for which a person can be charged with an offense.

#### **DEFINITIONS**

7. The following definitions apply to this Affidavit and Attachment B to this Affidavit:

8. "Sexually explicit conduct" means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons

of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

9. “Electronic Mail,” commonly referred to as e-mail (or email), is a method of exchanging digital messages from an author to one or more recipients. Modern email operates across the Internet or other computer networks. Email systems are based on a store-and-forward model: email servers accept, forward, deliver, and store messages. Neither the users nor their computers are required to be online simultaneously; they need only connect briefly, typically to an email server, for as long as it takes to send or receive messages. An Internet email message generally consists of three components, the message envelope, the message header, and the message body, but may include a fourth component, an attachment. Email attachments can include any type of digital file. There are numerous methods of obtaining an email account; some of these include email accounts issued by an employer or school. One of the most common methods of obtaining an email account is through a free web-based email provider such as, MSN, Yahoo, or Gmail. Anyone that has access to the Internet can generally obtain a free web-based email account.

10. The terms “records,” “documents,” and “materials,” as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to,

phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

### **BACKGROUND OF INVESTIGATION**

11. On March 9, 2017, Homeland Security Investigations (HSI) special agents arrested Marquius Konrad Streaty in the Northern District of Texas for violations of 18 U.S.C. § 2422(b), that is attempted enticement or coercion of a minor, as he attempted to meet what was described to him as a 13 year old female and her stepfather at a Fort Worth, Texas hotel. Leading up to his arrest, Streaty had been communicating via e-mail and text message with undercover agents, and Streaty repeatedly stated his intent to engage in unlawful sexual activity with the purported 13 year old female. Also in his communications with undercover agents, Streaty claimed to have previously engaged in consensual nudist behavior with a 16 year old female and her family at an unspecified location within the past year.

12. On March 17, 2017, HSI Special Agent Kyle L. Kuykendall applied for and was granted a search warrant for the contents Marquis Streaty's Google e-mail account [redacted]@gmail.com. On April 10, 2017, HSI special agents reviewed the contents of Streaty's Google e-mail account and discovered a series of e-mails between Streaty and

the user of the Google e-mail account **petervosullivan@gmail.com**. The earliest identified communication occurred on November 3, 2016, and the last e-mail identified by law enforcement occurred on January 6, 2017.

13. The earliest e-mail, which was sent by Streaty to **petervosullivan@gmail.com** stated, "I will take it as far as they let me. They e set how far I go". When **petervosullivan@gmail.com** (hereinafter "**Petervosullivan**") asked how far Streaty thought they would go, Streaty replied, "Maybe just a bj. If your not idk. Sex? Idk". **Petervosullivan** then asked if he (Streaty) thought it would fit, Streaty replied, "Maybe. I can bring lube for just in case".

14. In subsequent e-mails that took place on November 5, 2016, **Petervosullivan** describes his daughters, and the subjects of the sexual discussions, as "Amanda is a 34C and Paige is a 34B". **Petervosullivan** further states, "Amanda (the 15 year old) actually has the better tits, ironically". In a follow up e-mail, **Petervosullivan** writes, "See?", to which Streaty replies, "I see". The message containing the referenced image sent by **Peterosullivan** and commented on by Streaty was no longer saved to Streaty's G-mail account at the time of the search warrant.

15. Later in the same e-mail conversation, **Petervosullivan** writes "And let me know if you think I'm being too clingy and you need some alone time with them". In the ensuing e-mails Streaty claims he has his own condoms but "lube may be needed", to which **Petervosullivan** agrees to purchase personal lubricant. **Petervosullivan** then asks Streaty, "Any idea which one you are going to target?"

16. Also on November 5, 2016, **Petervosullivan** stated his preference that Streaty not impregnate the daughters and further expounds, "Haha nor do I want to raise a little Marquis ;) no offense". **Petervosullivan** and Streaty then discussed **Petervosullivan's** desire to surreptitiously video recording a sexual encounter between Streaty and **Petervosullivan's** daughters.

17. During an e-mail exchange that occurred on December 26, 2016, **Petervosullivan** and Streaty discuss the possibility of Streaty visiting **Petervosullivan's** home over the New Year's holiday. Streaty stated he planned to walk around the home fully nude in front of **Petervosullivan's** daughters, and Streaty also wrote, "Still am large. Don't mind if they touch it, suck it, and/or fuck it."

18. Because not all of the e-mail communications between Streaty and **Petervosullivan** were still saved to Streaty's Google e-mail account at the time of the previous search warrant, it is not known to law enforcement if or when Streaty and **Petervosullivan** ever physically met or if they proceeded to engage in unlawful sexual activity with minors as discussed.

### CONCLUSION

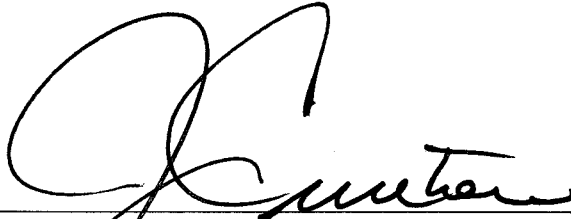
19. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of such criminal offenses may be located at the location described in Attachment A, in violation of 18 U.S.C. §§ 2422(b).

20. I, therefore, respectfully request that the attached warrant be issued authorizing the search and seizure of the items listed in Attachment B.



LeAndrew J. Mitchell, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on this 18<sup>th</sup> day of April, 2017 at 1:25 p.m., in Fort Worth, Texas.



JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE



**ATTACHMENT A  
PROPERTY TO BE SEARCHED**

This warrant applies to information associated with the Google email account **petervosullivan@gmail.com**, which is stored at premises owned, maintained, controlled or operated by Google Incorporated, headquartered at 1600 Amphitheater Parkway, Mountain View, CA 94043.

**ATTACHMENT B**  
**DESCRIPTION OF ITEMS TO SEIZED AND SEARCHED**

In order to ensure that agents search only those computer accounts and/or computer files described herein, this search warrant seeks authorization to permit employees of Google Inc., to assist agents in the execution of this warrant. To further ensure that agents executing this warrant search only those accounts and/or computer files described below, the following procedures have been implemented:

1. The warrant will be presented to Google Inc. personnel by law enforcement agents. Google Inc., personnel will be directed to isolate those accounts and files described below;
2. In order to minimize any disruption of computer service to innocent third parties, the system administrator will create an exact duplicate of the accounts and files described in Attachment A, including an exact duplicate of all information stored in the computer accounts and/or files described below;
3. Google Inc., system administrator will provide the exact duplicate of the accounts and files described below and all information stored in those accounts and /or files to the Special Agent who serves this search warrant;
4. Law enforcement personnel will thereafter review the information stored in the accounts and files received from the system administrator and then identify and copy the information contained in those accounts and files which are authorized to be further copied by this search warrant;

5. Law enforcement personnel will then seal the original duplicate of the accounts and files received from the system administrator and will not further review the original duplicate absent an order of the Court.

**I. Information to be disclosed by Google Inc.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Google Inc. Google Inc. is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all e-mails stored in the account, including copies of e-mails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All content in the Docs, Calendar, Friend Contacts and Photos areas;

- e. Any and all Google IDs listed on the subscriber's Friends list;
- f. All records pertaining to communications between Google Inc., and any

person regarding the account, including contacts with support services and records of actions taken.

## **II. Information to be seized by the government**

All records or information, including the contents of any and all wire and electronic communications, attachments, stored files, print outs, and header information that contain evidence, fruits, and instrumentalities of violations of Title 18 U.S.C. § 1470 [Attempted transfer of obscene material to a minor] and 18 U.S.C. § 2422(b) and [Attempted coercion and enticement], including, but not limited to, for each account or identifier listed on Attachment A, information pertaining to:

- a. The receipt, possession, or distribution of email communication, photos, or visual depictions of minors, to include image and video files and communications sent by or to the account subscriber, which may reside in the account's contents. Furthermore, the receipt, possession, or distribution of personal identifying information and financial account numbers, including, but not limited to credit card verification values (CVV) and victim names, addresses, dates of birth, and financial account numbers.
- b. The contents of any such communications that will assist investigators in ascertaining the nature and scope of the crimes under investigation, the true

identity and or location of the subjects and their co-conspirators, the names, addresses, and locations of victims, and any disposition of the proceeds of the crimes under investigation, including,

- c. Records relating to who created, used, or communicated with the account or identifier.

Google shall disclose responsive data, if any, by sending to the recipient below using the US Postal Service or another courier service, notwithstanding 18 U.S.C.

§§ 2252, 2252A or similar statute or code.